

REMARKS

I. Status of the Claims

Claims 1 through 5 are pending.

Claims 1 through 5 stand rejected.

Claims 6 through 10 have been added.

II. Amendments

Claims 6 through 10 have been added. Claims 6 and 7 are independent claims.

Claim 6 is drawn to a process for producing a cigarette with an increased self-extinguishing tendency wherein the cigarette paper has annular zones whose porosity is reduced by the presence of at least one compound selected from the group consisting of polyvinyl acetate, partially hydrolyzed polyvinyl acetate, and polyvinyl alcohol, wherein said compound has an interfacial tension between 33 mJ/m^2 and 42 mJ/m^2 and wherein said compound is applied dissolved in organic solvent and wherein the compound penetrates for the predominant part thereof into the cigarette paper. Support for this amendment is found throughout the application with particular reference to page 3, lines 1 through 5, and claim 2 as filed.

Claim 7 is drawn to a cigarette including cigarette paper with an increased self-extinguishing tendency, wherein the cigarette paper has annular zones of incorporated polymer. Support for this amendment is found throughout the application with particular reference to page 3, lines 1 through 5, the examples wherein the annular zones are referenced as "bands," and claim 1 as filed.

Claim 8 is drawn to the cigarettes with annular rings of a polymer selected from the group consisting of polyvinyl acetate, partially hydrolyzed polyvinyl acetate, and polyvinyl alcohol. Support for this amendment is found throughout the application with particular reference to claim 3 as filed.

Claim 9 is drawn to the cigarette of Claim 8 wherein said polymer has an interfacial tension between 33 mJ/m^2 and 42 mJ/m^2 . Support for this amendment is found throughout the application with particular reference claim 1 as filed.

Claim 10 is drawn to the cigarette of Claim 7 wherein having at least 2 annular zones of incorporated polymer. Support for this amendment is found throughout the application with particular reference to the examples addressing bands.

Two independent claims and three dependent claims have been added. As this brings the total independent claims to three with less than 20 claims in total. It is believed that no additional fees are required.

III. Rejection under 35 U.S.C. § 102

Claims 1 through 3 and claim 5 stand rejected under 35 U.S.C. § 102 as anticipated by U.S. Pat. No. 4,739,775 to Hampl. (Hampl). This rejection is respectfully traversed.

A. APPLICANT'S CLAIMED INVENTION

Applicant's claim 1 and claims dependent thereon require cigarette paper having has annular zones whose porosity is reduced by the presence of a polymers. Similarly, new claim 6 requires that the compound penetrate into the cigarette paper and new claim 7 requires cigarette paper with annular zones of incorporated polymer. In this regard, the Examiner's attention is respectfully drawn to Specification, page 3, lines 1 through 6:

It is only a further *incorporation of material into* the paper that leads to an almost abrupt increase in the self-extinguishing tendency. In this connection, attention is directed more specifically to the examples set out hereinafter.

The way in which the *polymer is introduced into* the paper is not critical, but intaglio printing has proven to be appropriate. (emphasis added)

The incorporation of polymer into and not merely on the cigarette paper is a significant element of the claimed invention of claims 1 through 3, and 5 as well as of claims 6 through 10.

B. THE DISCLOSURE OF HAMPL

Hampl teaches polymer applied on cigarette paper. The Examiner's attention is respectfully drawn to Hampl, col. 4, lines 58 through 65 wherein the polyvinyl acetate is disclosed as being used as an adhesive applied on the surface of the cigarette paper. This is similarly shown in Figs 2 and 3. Noted is the cross-hatching in Fig. 3 wherein the cross-hatching discloses a paper layer without adhesive.

C. THE DEFICIENCY OF HAMPL

Insofar as claims 1 through 3, 5, and 6 through 10 of the present invention claim polymer incorporated into cigarette paper and Hampl does not disclose polymer IN cigarette paper, the claims are not anticipated by Hampl. Applicant requests that the rejection be withdrawn.

IV. Rejection under 35 U.S.C. § 103(a)

Claims 4 stands rejected under 35 U.S.C. § 103(a) as anticipated by Hampl as applied to claim 1 and further in view of U.S. Pat. No. 1,757,380 to Molins (Molins), and U.S. Pub. 2003/0131860 to Ashcraft et al. (Ashcraft). This rejection is respectfully traversed.

A. APPLICANT'S CLAIMED INVENTION

Claim 1 includes a limitation to an interfacial tension of the polymer is over 33 mJ/m². Applicant's claim 4, dependent on claim 1 requires, as noted above, *incorporation of material into the cigarette paper*. The incorporation of polymer into and not merely on the cigarette paper is a defining element of the claim 4. In claim 4 applicant claims a process for producing cigarettes whereby polymer dissolved in organic solvent is applied to the cigarette paper by an intaglio printing process and penetrates the cigarette paper.

B. THE TEACHING OF MOLINS

The disclosure of Molins is the use of the intaglio process for placing adhesive material on the surface of cigarette paper. The Examiner's attention is respectfully drawn to Molins, page

1, lines 60-63: “(c) Applying the said roller to a travelling web of cigarette paper so as to imprint at regular intervals *upon the surface of said web* constant amounts of said gum; . . .” (emphasis added) similarly, claim 5, line 60.

C. THE TEACHING OF ASHCRAFT

The Examiner presents Ashcraft as teaching that ethanol is an exemplary solvent for use with polyvinyl acetate.

D. THE DEFICIENCY OF THE COMBINATION OF HAMPL, MOLINS, AND ASHCRAFT

As noted above, Hampl does not teach polymer WITHIN cigarette paper. Neither will it be supplied by either Molins or Ashcraft.

Molins teaches no more than the use of intaglio to place adhesive ON cigarette paper. Ashcraft is offered by the Examiner as (i) teaching the use of polyvinyl acetate dissolved in ethanol as a material to print on cigarette paper by intaglio and (ii) that, “based on the structural similarities between the polymer claimed and the polymer described in the current rejection it is deemed that the *predominant part of the polymer would penetrate into the cigarette paper.*” (emphasis added).

Applicant respectfully submits that this is unsupported speculation by the Examiner and requests an affidavit under 37 C.F.R. 104(d)(2).

Applicant submits that nothing in Ashcraft teaches or suggests any of a variety of parameters – beyond structural similarities – that would be anticipated to affect the disposition of the *predominant* part of a polymer applied to cigarette paper. In claim 1, from which claim 4 depends, applicant has claimed an interfacial tension of the polymer. This is not found in Ashcraft or the other two references.

In the interest of providing the most comprehensive response, Applicant notes that interfacial tension is also a limitation of claims 6 and 9. Furthermore, independent claim 7 and claims 8 and 10 dependent thereon require that the cigarette paper have *incorporated polymer*. Thus, none of Hampl, Molins or Ashcraft, alone or in combination, render claim 4 or claims 6 through 10 obvious. It is respectfully requested that this rejection be withdrawn.

CONCLUSION

In view of the above, reconsideration and allowance of this application are believed to be in order, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. The Examiner is invited and encouraged to telephone the undersigned with any concerns in furtherance of the prosecution of the present application.

Please charge any deficiency as well as any other fee(s) which may become due at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-2896.

Respectfully submitted,



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Dated:

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